

IC 4-4-3

Chapter 3. Department of Commerce

IC 4-4-3-1

Definitions

Sec. 1. As used in this chapter:

"Department" shall mean the department of commerce provided for by this chapter.

"Director" shall mean the director of the department.

(Formerly: Acts 1965, c.262, s.1; Acts 1974, P.L.5, SEC.1.) As amended by Acts 1982, P.L.15, SEC.1.

IC 4-4-3-2

Creation; lieutenant governor to serve as director of department and commissioner of agriculture

Sec. 2. There is hereby created a state department to be known as the department of commerce. The lieutenant governor, by virtue of his office shall serve as director of the department and commissioner of agriculture, and he shall receive no additional salary in these capacities.

(Formerly: Acts 1965, c.262, s.2.) As amended by Acts 1982, P.L.15, SEC.2.

IC 4-4-3-3

Director; appointments; salaries of personnel

Sec. 3. The director may appoint or employ an executive director, deputy directors, deputies, assistants and employees as necessary in the performance of his duties. Salaries of personnel shall be fixed by the director, with the approval of the governor and the budget agency.

(Formerly: Acts 1965, c.262, s.3; Acts 1967, c.203, s.1.) As amended by Acts 1982, P.L.15, SEC.3.

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-5

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-6

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-7

Director; organization of department

Sec. 7. The director may organize the department in such a manner as will best promote efficiency of administration in compliance with the provisions of this chapter.

(Formerly: Acts 1965, c.262, s.7.) As amended by Acts 1982, P.L.15, SEC.4.

IC 4-4-3-7.5

Economic growth and development; department function

Sec. 7.5. It is the proper function of the department of commerce to provide for the orderly economic development and growth of the state.

(Formerly: Acts 1974, P.L.5, SEC.2.) As amended by Acts 1982, P.L.15, SEC.5.

IC 4-4-3-8 Version a

Economic growth and development; department powers and duties

Note: This version of section amended by P.L.28-2004, SEC.23. See also following version of this section amended by P.L.73-2004, SEC.1, effective 1-1-2005.

Sec. 8. (a) The department shall develop and promote programs designed to make the best use of the resources of the state so as to assure a balanced economy and continuing economic growth for Indiana and for those purposes may do the following:

(1) Cooperate with federal, state, and local governments and agencies in the coordination of programs to make the best use of the resources of the state.

(2) Receive and expend all funds, grants, gifts, and contributions of money, property, labor, interest accrued from loans made by the department, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government. The department:

(A) may accept federal grants for providing planning assistance, making grants, or providing other services or functions necessary to political subdivisions, planning commissions, or other public or private organizations;

(B) shall administer these grants in accordance with their terms; and

(C) may contract with political subdivisions, planning commissions, or other public or private organizations to carry out the purposes for which the grants were made.

(3) Direct that assistance, information, and advice regarding the duties and functions of the department be given the department by any officer, agent, or employee of the state. The head of any other state department or agency may assign one (1) or more of the department's or agency's employees to the department on a temporary basis, or may direct any division or agency under the department's or agency's supervision and control to make any special study or survey requested by the director.

(b) The department shall perform the following duties:

(1) Disseminate information concerning the industrial, commercial, governmental, educational, cultural, recreational, agricultural, and other advantages of Indiana.

(2) Plan, direct, and conduct research activities.

(3) Develop and implement industrial development programs to encourage expansion of existing industrial, commercial, and

business facilities within Indiana and to encourage new industrial, commercial, and business locations within Indiana.

(4) Assist businesses and industries in acquiring, improving, and developing overseas markets and encourage international plant locations within Indiana. The director, with the approval of the governor, may establish foreign offices to assist in this function.

(5) Promote the growth of minority business enterprises by doing the following:

(A) Mobilizing and coordinating the activities, resources, and efforts of governmental and private agencies, businesses, trade associations, institutions, and individuals.

(B) Assisting minority businesses in obtaining governmental or commercial financing for expansion, establishment of new businesses, or individual development projects.

(C) Aiding minority businesses in procuring contracts from governmental or private sources, or both.

(D) Providing technical, managerial, and counseling assistance to minority business enterprises.

(6) Assist in community economic development planning and the implementation of programs designed to further this development.

(7) Assist in the development and promotion of Indiana's tourist resources, facilities, attractions, and activities.

(8) Assist in the promotion and marketing of Indiana's agricultural products, and provide staff assistance to the director in fulfilling the director's responsibilities as commissioner of agriculture.

(9) Perform the following energy related functions:

(A) Assist in the development and promotion of alternative energy resources, including Indiana coal, oil shale, hydropower, solar, wind, geothermal, and biomass resources.

(B) Encourage the conservation and efficient use of energy, including energy use in commercial, industrial, residential, governmental, agricultural, transportation, recreational, and educational sectors.

(C) Assist in energy emergency preparedness.

(D) Establish:

(i) specific goals for increased energy efficiency in the operations of state government and for the use of alternative fuels in vehicles owned by the state; and

(ii) guidelines for achieving the goals established under item (i).

(E) Establish procedures for state agencies to use in reporting to the department on energy issues.

(F) Carry out studies, research projects, and other activities required to:

(i) assess the nature and extent of energy resources required to meet the needs of the state, including coal and other fossil fuels, alcohol fuels produced from agricultural

and forest products and resources, renewable energy, and other energy resources;

(ii) promote cooperation among government, utilities, industry, institutions of higher education, consumers, and all other parties interested in energy and recycling market development issues; and

(iii) promote the dissemination of information concerning energy and recycling market development issues.

(10) Implement any federal program delegated to the state to effectuate the purposes of this chapter.

(11) Promote the growth of small businesses by doing the following:

(A) Assisting small businesses in obtaining and preparing the permits required to conduct business in Indiana.

(B) Serving as a liaison between small businesses and state agencies.

(C) Providing information concerning business assistance programs available through government agencies and private sources.

(12) Assist the Indiana commission for agriculture and rural development in performing its functions under IC 4-4-22.

(13) Develop and promote markets for the following recyclable items:

(A) Aluminum containers.

(B) Corrugated paper.

(C) Glass containers.

(D) Magazines.

(E) Steel containers.

(F) Newspapers.

(G) Office waste paper.

(H) Plastic containers.

(I) Foam polystyrene packaging.

(J) Containers for carbonated or malt beverages that are primarily made of a combination of steel and aluminum.

(14) Produce an annual recycled products guide and at least one

(1) time each year distribute the guide to the following:

(A) State agencies.

(B) The judicial department of state government.

(C) The legislative department of state government.

(D) State educational institutions (as defined in IC 20-12-0.5-1).

(E) Political subdivisions (as defined in IC 36-1-2-13).

(F) Bodies corporate and politic created by statute.

A recycled products guide distributed under this subdivision must include a description of supplies and other products that contain recycled material and information concerning the availability of the supplies and products.

(c) The department shall submit a report in an electronic format under IC 5-14-6 to the general assembly before October 1 of each year concerning the availability of and location of markets for

recycled products in Indiana. The report must include the following:

- (1) A priority listing of recyclable materials to be targeted for market development. The listing must be based on an examination of the need and opportunities for the marketing of the following:
 - (A) Paper.
 - (B) Glass.
 - (C) Aluminum containers.
 - (D) Steel containers.
 - (E) Bi-metal containers.
 - (F) Glass containers.
 - (G) Plastic containers.
 - (H) Landscape waste.
 - (I) Construction materials.
 - (J) Waste oil.
 - (K) Waste tires.
 - (L) Coal combustion wastes.
 - (M) Other materials.
- (2) A presentation of a market development strategy that:
 - (A) considers the specific material marketing needs of Indiana; and
 - (B) makes recommendations for legislative action.
- (3) An analysis that examines the cost and effectiveness of future market development options.

(Formerly: Acts 1965, c.262, s.8; Acts 1973, P.L.14, SEC.1.) As amended by Acts 1982, P.L.15, SEC.6; P.L.6-1984, SEC.1; P.L.21-1989, SEC.2; P.L.13-1991, SEC.1; P.L.24-1993, SEC.1; P.L.13-1993, SEC.2; P.L.28-2004, SEC.23.

IC 4-4-3-8 Version b

Economic growth and development; department powers and duties

Note: This version of section amended by P.L.73-2004, SEC.1, effective 1-1-2005. See also preceding version of this section amended by P.L.28-2004, SEC.23.

Sec. 8. (a) The department shall develop and promote programs designed to make the best use of the resources of the state so as to assure a balanced economy and continuing economic growth for Indiana and for those purposes may do the following:

- (1) Cooperate with federal, state, and local governments and agencies in the coordination of programs to make the best use of the resources of the state.
- (2) Receive and expend all funds, grants, gifts, and contributions of money, property, labor, interest accrued from loans made by the department, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government. The department:
 - (A) may accept federal grants for providing planning assistance, making grants, or providing other services or functions necessary to political subdivisions, planning

commissions, or other public or private organizations;

(B) shall administer these grants in accordance with their terms; and

(C) may contract with political subdivisions, planning commissions, or other public or private organizations to carry out the purposes for which the grants were made.

(3) Direct that assistance, information, and advice regarding the duties and functions of the department be given the department by any officer, agent, or employee of the state. The head of any other state department or agency may assign one (1) or more of the department's or agency's employees to the department on a temporary basis, or may direct any division or agency under the department's or agency's supervision and control to make any special study or survey requested by the director.

(b) The department shall perform the following duties:

(1) Disseminate information concerning the industrial, commercial, governmental, educational, cultural, recreational, agricultural, and other advantages of Indiana.

(2) Plan, direct, and conduct research activities.

(3) Develop and implement industrial development programs to encourage expansion of existing industrial, commercial, and business facilities within Indiana and to encourage new industrial, commercial, and business locations within Indiana.

(4) Assist businesses and industries in acquiring, improving, and developing overseas markets and encourage international plant locations within Indiana. The director, with the approval of the governor, may establish foreign offices to assist in this function.

(5) Promote the growth of minority business enterprises by doing the following:

(A) Mobilizing and coordinating the activities, resources, and efforts of governmental and private agencies, businesses, trade associations, institutions, and individuals.

(B) Assisting minority businesses in obtaining governmental or commercial financing for expansion, establishment of new businesses, or individual development projects.

(C) Aiding minority businesses in procuring contracts from governmental or private sources, or both.

(D) Providing technical, managerial, and counseling assistance to minority business enterprises.

(6) Assist in community economic development planning and the implementation of programs designed to further this development.

(7) Assist in the development and promotion of Indiana's tourist resources, facilities, attractions, and activities.

(8) Assist in the promotion and marketing of Indiana's agricultural products, and provide staff assistance to the director in fulfilling the director's responsibilities as commissioner of agriculture.

(9) Perform the following energy related functions:

- (A) Assist in the development and promotion of alternative energy resources, including Indiana coal, oil shale, hydropower, solar, wind, geothermal, and biomass resources.
- (B) Encourage the conservation and efficient use of energy, including energy use in commercial, industrial, residential, governmental, agricultural, transportation, recreational, and educational sectors.
- (C) Assist in energy emergency preparedness.
- (D) Not later than January 1, 1994, establish:
 - (i) specific goals for increased energy efficiency in the operations of state government and for the use of alternative fuels in vehicles owned by the state; and
 - (ii) guidelines for achieving the goals established under item (i).
- (E) Establish procedures for state agencies to use in reporting to the department on energy issues.
- (F) Carry out studies, research projects, and other activities required to:
 - (i) assess the nature and extent of energy resources required to meet the needs of the state, including coal and other fossil fuels, alcohol fuels produced from agricultural and forest products and resources, renewable energy, and other energy resources;
 - (ii) promote cooperation among government, utilities, industry, institutions of higher education, consumers, and all other parties interested in energy and recycling market development issues; and
 - (iii) promote the dissemination of information concerning energy and recycling market development issues.
- (10) Implement any federal program delegated to the state to effectuate the purposes of this chapter.
- (11) Promote the growth of small businesses by doing the following:
 - (A) Assisting small businesses in obtaining and preparing the permits required to conduct business in Indiana.
 - (B) Serving as a liaison between small businesses and state agencies.
 - (C) Providing information concerning business assistance programs available through government agencies and private sources.
- (12) Assist the Indiana commission for agriculture and rural development in performing its functions under IC 4-4-22.
- (13) Develop and promote markets for the following recyclable items:
 - (A) Aluminum containers.
 - (B) Corrugated paper.
 - (C) Glass containers.
 - (D) Magazines.
 - (E) Steel containers.
 - (F) Newspapers.

- (G) Office waste paper.
- (H) Plastic containers.
- (I) Foam polystyrene packaging.
- (J) Containers for carbonated or malt beverages that are primarily made of a combination of steel and aluminum.
- (14) Produce an annual recycled products guide and at least one (1) time each year distribute the guide to the following:
 - (A) State agencies.
 - (B) The judicial department of state government.
 - (C) The legislative department of state government.
 - (D) State educational institutions (as defined in IC 20-12-0.5-1).
 - (E) Political subdivisions (as defined in IC 36-1-2-13).
 - (F) Bodies corporate and politic created by statute.

A recycled products guide distributed under this subdivision must include a description of supplies and other products that contain recycled material and information concerning the availability of the supplies and products.

- (15) Beginning July 1, 2005, the department shall identify, promote, assist, and fund home ownership education programs conducted throughout Indiana by nonprofit counseling agencies certified by the department using funds appropriated under IC 4-4-3-23(e). The department shall adopt rules under IC 4-22-2 governing certification procedures and counseling requirements for nonprofit home ownership counselors. The attorney general and the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall cooperate with the department in implementing this subdivision.

(c) The department shall submit a report to the general assembly before October 1 of each year concerning the availability of and location of markets for recycled products in Indiana. The report must include the following:

- (1) A priority listing of recyclable materials to be targeted for market development. The listing must be based on an examination of the need and opportunities for the marketing of the following:
 - (A) Paper.
 - (B) Glass.
 - (C) Aluminum containers.
 - (D) Steel containers.
 - (E) Bi-metal containers.
 - (F) Glass containers.
 - (G) Plastic containers.
 - (H) Landscape waste.
 - (I) Construction materials.
 - (J) Waste oil.
 - (K) Waste tires.
 - (L) Coal combustion wastes.
 - (M) Other materials.
- (2) A presentation of a market development strategy that:

- (A) considers the specific material marketing needs of Indiana; and
- (B) makes recommendations for legislative action.
- (3) An analysis that examines the cost and effectiveness of future market development options.

(Formerly: Acts 1965, c.262, s.8; Acts 1973, P.L.14, SEC.1.) As amended by Acts 1982, P.L.15, SEC.6; P.L.6-1984, SEC.1; P.L.21-1989, SEC.2; P.L.13-1991, SEC.1; P.L.24-1993, SEC.1; P.L.13-1993, SEC.2; P.L.73-2004, SEC.1.

IC 4-4-3-8.1

Considerations and priorities in offering economic development assistance to businesses and industries

Sec. 8.1. When considering offering economic development assistance to businesses and industries, the department shall do the following:

- (1) Consider the potential environmental impact that would be caused by the assistance.
- (2) Give priority to businesses and industries that, as the principal activity of the businesses and industries, convert recyclable materials into useful products or create markets for products made from recycled materials.

As added by P.L.10-1990, SEC.2.

IC 4-4-3-9

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-10

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-11

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-12

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-12.5

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-13

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-14

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-14.5

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-15

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-16

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-17

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-18

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-19

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-20

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-3-21

Rules

Sec. 21. The director may promulgate rules pursuant to IC 4-22-2 to carry out the provisions of this chapter.

As added by Acts 1981, P.L.24, SEC.3.

IC 4-4-3-22

Public information page on Internet site

Sec. 22. The department shall establish a public information page on its current Internet site on the world wide web. The page must do the following:

- (1) Provide, by program, cumulative information on the total amount of incentives awarded, the total number of companies that received the incentives and were assisted in a year, and the names and addresses of those companies.
- (2) Provide a mechanism on the page whereby the public may request further information on-line about specific programs or incentives awarded.
- (3) Provide a mechanism for the public to receive an electronic

response.

As added by P.L.126-2000, SEC.1. Amended by P.L.1-2001, SEC.1.

IC 4-4-3-23

Home ownership education account

Effective 1-1-2005.

Sec. 23. (a) The home ownership education account within the state general fund is established to support the home ownership education programs established under section 8(b)(15) of this chapter. The account is administered by the department.

(b) The home ownership education account consists of fees collected under IC 24-9-9.

(c) The expenses of administering the home ownership education account shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the home ownership education account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(e) Money in the account may be spent only after appropriation by the general assembly.

As added by P.L.73-2004, SEC.2.